

2-104 2002  
 Clarke v Tunbridge Wells  
 legal advice  
 victory

// Try Community Law Partnership in Birmingham  
 0121 685 8585 (24 hour mobile 07768  
 Public Law Project 316755)  
 020 7467 9800

I suggest a letter to the Council asking that the whole Council vote on a new planning application which will include new technical evidence re flooding + new legal arguments including the Human Rights Act

### Clarke v Tunbridge Wells DC (continued)

*continued from page 3:* Lord Avebury who promoted the 1968 Act when he was an MP, recently asked the Government to comment upon this point in the House of Lords.

Whatever the outcome of the appeals mentioned, the fact remains that unless and until sufficient caravans sites are provided for their community, Gypsies will continue to find themselves marginalised by society and many will be left with no option but to give up their traditional way of life.

### STOP PRESS!!!

#### Clarke Wins in Court of Appeal

On 20<sup>th</sup> May, 2002 the Court of Appeal dismissed the Borough Council's appeal in the case of *Clarke*. The Court of Appeal agreed with the High Court's decision to quash a planning inspector's decision - in circumstances where the inspector seemed to have breached both *Articles 8 and 14 of the Convention* by taking into account an offer of conventional housing that had been made to a Gypsy family who could show that they lived in accordance with a traditional Gypsy lifestyle and had "an aversion to bricks and mortar" - and by doing so helped protect the right of Gypsies to live in caravans in accordance with their traditional way of life. The decision in this case is likely to assist Gypsies and Travellers who:

- seek planning permission
- defend planning enforcement measures taken against them providing of course that they can show that they adhere to the Gypsy way of life and have "an aversion to bricks and mortar".

The decision may also assist those who approach local authorities seeking homelessness accommodation in the form of a pitch for their caravans.

With thanks to Marc Willers, a Barrister at 1 Pump Court, London.

You can ask the Council to delay eviction as you are seeking advice on a judicial review.

and also the Clarke case as a barrister has said that it may give Council's a duty to provide camp sites (not caravans) for those with 'an aversion to bricks and mortar'.

Also maybe you could offer to plant a hedge round the site or anything to make it a new application.

Also ask them to justify making so many homeless under proportionality (Article 14 Human Rights Act)

FFT

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NB

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 FRIENDS, FAMILIES & TRAVELLERS NEWSLETTER—ISSUE 2 Possibly by an injunction

The urgent thing obviously is to get the eviction delayed and to get the Council to make an unreasonable refusal in which they have not heard both sides, eg ask to speak at Council Meeting.